



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

November 3, 2016

TO: Patricia Hachiya, AICP  
Hearing Officer

FROM: Carl Nadela, AICP   
Zoning Permits East Section

SUBJECT: Project No. 2016-000334-(4)  
Conditional Use Permit No. RPPL 2016002104  
Minor Parking Deviation No. RPPL 2016004305  
HO Meeting: November 15, 2016  
Agenda Item: 3

The above-mentioned item is a request for a Conditional Use Permit (CUP) to authorize the continued operation of a 327-space mobilehome park with less than the required guest parking spaces. This project was first heard on October 4, 2016, on which date, the Hearing Officer, at the recommendation of staff, continued the public hearing to November 15, 2016 to allow time for the noticing of a Minor Parking Deviation request that staff had determined was necessary to proceed with the project. With this regard, public notices for the CUP and Minor Parking Deviation were sent out on October 12, 2016, in compliance with this requirement.

In the Staff Report for the October 4 hearing, staff indicated that a number of correspondences and phone calls were received expressing concerns about the project and provided a summary of the concerns raised. Attached is a summary of all the concerns raised to date and staff's response to each of them.

Also attached are the draft Findings and Conditions of Approval associated with staff's recommendation of approval of this CUP and Minor Parking Deviation application.

If you need further information, please contact Carl Nadela at (213) 974-6435 or [cnadela@planning.lacounty.gov](mailto:cnadela@planning.lacounty.gov). Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

**SUGGESTED MOTION:**

**I, THE HEARING OFFICER, APPROVE CUP RPPL 2016002104 AND MINOR PARKING DEVIATION NO. RPPL 2016004305, SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

MM:CN

**Project No. 2016-000334 / Conditional Use Permit RPPL 2016002104**  
**Summary of Concerns Raised**

**A. Concerns governed by the Mobilehome Residency Law**

1. Excessive rent increases
2. Overcrowding of the park as excessive rents have forced elderly residents to sublet their homes
3. Improper notice of zoning in the rental agreement
4. Poor condition of mobilehome lots
5. Lack of modern internet service
6. Lack of park facilities for the elderly
7. Unfair evictions of mobilehome residents

As indicated in the references below, the issues listed above are governed by the Mobilehome Residency Law (MRL), which are civil matters and are enforced by the courts. Therefore, the Los Angeles County ("County") has no jurisdiction over these matters.

In addition to these concerns, at the October 4, 2016 public hearing, the Hearing Officer also requested for a condition in the Conditional Use Permit ("CUP") requiring that the mobilehome park management meet with the residents on a quarterly basis. As indicated in the references below, Civil Code Section 798.53 of the MRL regulates meetings between the mobilehome park management and homeowners. As previously mentioned, violations of the MRL are a civil matter and the County has no jurisdiction over such matters. The County is also pre-empted from imposing requirements that are more stringent than what is stipulated in the MRL. However, as indicated in Civil Code Section 798.53 below, the homeowners may request the mobilehome park management for such meetings as may be necessary. Furthermore, the mobilehome park management may also voluntarily conduct such meetings, even without a request from the homeowners.

***References:***

***2016 California Mobilehome Residency Law, Senator Connie M. Leyva, Chair, Select Committee on Manufactured Home Communities.***

***Introduction.*** *The Mobilehome Residency Law, like provisions of conventional landlord-tenant law, are enforced by the courts; that is, the disputing parties must enforce the MRL against one another in a court of law. ... For example, a park owner must utilize an unlawful detainer procedure in a court to evict a homeowner for non-payment of rent or failure to abide by reasonable park rules. By the same token, a manufactured home owner must bring legal action, in court, to enforce a notice or other MRL requirement or obtain an injunction, if the management will not otherwise abide by the MRL.*

**Civil Code Section 798.17.** Rental agreements ... shall be exempt from any ordinance, rule, regulation, or initiative measure adopted by any local governmental entity which establishes a maximum amount that a landlord may charge a tenant for rent. The terms of a rental agreement ... shall prevail over conflicting provisions of an ordinance, rule, regulation, or initiative measure limiting or restricting rents in mobilehome parks, only during the term of the rental agreement or one or more uninterrupted, continuous extensions thereof. If the rental agreement is not extended and no new rental agreement in excess of 12 months' duration is entered into, then the last rental rate charged for the space under the previous rental agreement shall be the base rent for purposes of applicable provisions of law concerning rent regulation, if any.

**Civil Code Section 798.25.** (a) Except as provided in subdivision (d), when the management proposes an amendment to the park's rules and regulations, the management shall meet and consult with the homeowners in the park, their representatives, or both, after written notice has been given to all the homeowners in the park 10 days or more before the meeting. The notice shall set forth the proposed amendment to the park's rules and regulations and shall state the date, time and location of the meeting. (b) Except as provided in subdivision (d), following the meeting and consultation with the homeowners, the noticed amendment to the park's rules and regulations may be implemented, as to any homeowner, with the consent of that homeowner, or without the homeowner's consent upon written notice of not less than six months, except for regulations applicable to recreational facilities, which may be amended without homeowner consent upon written notice of not less than 60 days. ... (d) When the management proposes an amendment to the park's rules and regulations mandated by a change in the law, including, but not limited to, a change in a statute, ordinance, or governmental regulation, the management may implement the amendment to the park's rules and regulations, as to any homeowner, with the consent of that homeowner or without the homeowner's consent upon written notice of not less than 60 days.

**Civil Code Section 798.27(a)(1).** The management shall give written notice to all homeowners and prospective homeowners concerning ... the nature of the zoning or use permit under which the mobilehome park operates. If the mobilehome park is operating pursuant to a permit subject to a renewal or expiry date, the relevant information and dates shall be included in the notice.

**Civil Code Section 798.53.** The management shall meet and consult with the homeowners, upon written request, within 30 days of the request, either individually, collectively, or with representatives of a group of homeowners who have signed a request to be so represented on the following matters:

- (a) Resident concerns regarding existing park rules that are not subject to Section 798.25.
- (b) Standards for maintenance of physical improvements in the park.
- (c) Addition, alteration, or deletion of service, equipment, or physical improvements.
- (d) Rental agreements offered pursuant to Section 798.17.

Any collective meeting shall be conducted only after notice thereof has been given to all the requesting homeowners 10 days or more before the meeting.

**B. Concerns governed by the Mobilehome Parks Act (MPA): Health and Safety Code sections 18200, et seq.**

1. Violation of Health and Safety Code Section 18500-18518 (MPA, Chapter 4, Permits and Fees)
2. Adverse impacts on the residents from a neighboring garage structure located on the northeastern side of the park
3. Perimeter fences are too low leading to a lack of safety for residents

As indicated in the references below, the MPA supersedes any conflicting local statute or regulation and is enforced by the Enforcement Agency for the specific mobilehome park. In this case, the Enforcement Agency for the subject mobilehome park is the California Department of Housing and Community Development. Local provisions for perimeter walls, setback and other separation requirements that are not fronting a public street, are all pre-empted by the MPA. Therefore, the county does not have jurisdiction to enforce these provisions.

***References:***

***Health and Safety Code Section 18300 (a).*** *This part applies to all parts of the states and supersedes any ordinances enacted by any city, county, or city or county, whether general law or chartered, applicable to this part.*

***Health and Safety Code Section 18500.*** *It is unlawful for any person to do any of the following unless he or she has a valid permit issued by the enforcement agency:*

*(b) Construct additional buildings or lots, alter buildings, lots, or other installations, in an existing park.*

*(d) Operate a park or any portion thereof.*

***Information Bulletin 2008-10 dated April 21, 2008. (Page 1: Regarding the enforcement of the MPA)*** *This memorandum's purpose is to provide information and clarification for local government officials and those involved with mobilehome parks ... that state law restricts local government authority attempting to regulate the physical structure and operation of mobilehome parks ... and the only valid authority for imposing and enforcing these requirements is the California Department of Housing and Community Development ("HCD") or local enforcement agencies that have assumed jurisdiction to enforce the MPA.*

***Information Bulletin 2008-10 dated April 21, 2008. (Page 2: Regarding local government authority within a mobilehome park)*** *The MPA contains an express pre-emption, with minimal express authority for local ordinances. In addition, the Legislature's findings support its intent to allow only very restrictive authority for local government action within the boundaries of a mobilehome park.*

### **C. Concerns governed by the Los Angeles County Zoning Code (Zoning Code)**

4. Excessive rent affects the renewal of the CUP according to Los Angeles ("LA") County Ordinance 22.52.500.L

As indicated in the references below, this provision applies only to five-year renewal requests that are investigated and verified by the Planning Director or his/her designee. Since this application is for a Conditional Use Permit and is going through a public hearing process, this provision does not apply to this case.

5. Installation of solar panels on the roofs of parking spaces for the generation of electricity for sale to utility companies

While the MPA allows local governments to prohibit certain uses within mobilehome parks, the LA County Zoning Code does not contain a prohibition on the installation of solar panels on the roof of parking structures. Aside from a prohibition, the MPA pre-empts all other permitting requirements and development standards for such installations.

6. Lack of a secondary access as per LA County Code Section 22.52.500

The MPA expressly grants local governments the authority to regulate access to and from mobilehome parks. Therefore, LA County Zoning Code Section 22.52.500.C.2.b below is applicable in this case.

However, these standards were established only in February 3, 1984, through the adoption of Ordinance No. 84-0001. Since the mobilehome park was legally established in the 1970's in its current form without a secondary access through the approval of Zone Exception Case (ZEC) 9580 and Conditional Use Permit (CUP) 172, the mobilehome park is legally non-conforming with regards to this development standard.

7. Lack of guest parking spaces provided, while some of the guest parking spaces currently provided are not accessible to guests but are reserved for other uses

The MPA expressly grants local governments the authority to regulate vehicle parking requirements for mobilehome parks. Therefore, LA County Zoning Code Sections 22.52.500.D and 22.52.1150.B. below is applicable in this case.

While the existing code language was established only in 1984, similar provisions were already in effect in the 1970's when the mobilehome park was first established. The 1969 Zoning Code requires the provision of "not less than one parking space for each four mobilehome sites for guest parking" for mobilehome parks in the R-3 zone. Also, Zone Exception Case (ZEC) 9276, which authorized the establishment of the first 188 spaces of the mobilehome park in 1969, contains Condition No. 7 that states that "a minimum of one guest parking space for each four trailer sites" shall be provided. Furthermore, all the approved Site Plans of the previous approvals indicated either the required number or more of guest parking spaces at the site. Therefore, the requirement for one guest parking space for each four mobilehome spaces applies to this project.

For the 327-space mobilehome park, 82 guest parking spaces are required. The submitted site plans indicate that there are currently 58 guest parking spaces at the site. This is a



shortfall of 24 spaces or 29.3% of the total required parking for the project. This is within the maximum limit of 30% that may be approved through a Minor Parking Deviation, which the applicant has also requested, in addition to their CUP application.

The applicant has indicated that there are more than enough guest parking spaces at the site for their current operations and that most of the existing guest parking spaces are vacant for most parts of the day. Several residents have indicated otherwise and that the existing guest parking spaces at the site are always occupied and that there is a lack of guest parking spaces at the site.

A review of records indicate that a Regional Planning inspector had visited the site in 1971 and had observed that a shortfall of 12 guest parking space already existed at that time. The inspector's notes also indicates that a revised Plot Plan was accepted at that time, indicating this shortfall. However, staff has not been able to locate this revised Plot Plan.

Since there is evidence that a shortfall of 12 parking spaces has existed at the site for 45 years, staff recommends approving the Minor Parking Deviation for 12 spaces less than the required number of 82 guest parking spaces. This means that the mobilehome park will be required to have 70 parking spaces, as opposed to the 58 guest parking spaces indicated in the submitted site plans. These required 70 guest parking spaces shall be made available at all times to guests of the mobilehome residents and shall be marked as such. Conditions indicating these requirements shall be incorporated into the Conditions of Approval of this CUP.

#### **References:**

**Health and Safety Code Section 18300 (g) (1).** *This part shall not prevent local authorities of any city, county, or city and county, within reasonable exercise of their police powers from ... adopting rules and regulations by ordinance or resolution prescribing park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks.*

**Los Angeles County Code Section 22.20.290.** *Property in Zone R-3 may be used for a mobilehome park, provided a conditional use permit has first been obtained and while such permit is in full force and effect in conformity with the conditions of such permit.*

**Los Angeles County Code Section 500.L. Renewals.** *When a mobilehome park, which is constituted only of spaces rented to mobilehomes, has not incurred excessive rent increases and is in substantial compliance with all of the conditions of approval, the permit, at the request of the property owner and upon investigation and verification by the director, may be extended for additional periods of time; each extension shall not exceed five years. Excessive rent increases shall be determined by the Los Angeles County mediation panels, mandatory groups established to formulate nonbinding resolutions to rental disputes.*

**Los Angeles County Code Section 500.O.** Long-term Leases. All conditional use permits for new mobilehome parks shall require as a condition of approval that all rental agreements have, in bold print not less than one-half inch high, the following statements:

There is no rent control for mobilehome parks in Los Angeles County. Potential residents may wish to secure long-term leases for their own protection.

The department of regional planning shall be provided with a sample copy of the rental agreement prior to occupancy of the mobilehome park.

**Information Bulletin 2008-10 dated April 21, 2008. (Page 5: Clarification regarding local government's authority to regulate vehicle parking)** While H&SC Section 18300(g)(1) provides local government with authority to regulate "vehicle parking", that authority is narrowly interpreted and harmonized with the preemptive nature of the MPA by allowing local government ordinances to reasonably require a specified number or parking spaces within the boundaries of the park (to avoid public street parking), but without imposing their own specific location.

**Los Angeles County Code Section 22.52.500.C.2.b.** At least two access points to a public street or highway shall be provided which can be used by emergency vehicles.

**Los Angeles County Code Section 22.52.500.D.** Vehicular Parking. Automobile parking spaces in a mobilehome park shall be provided as specified in Part 11 of this chapter.

**Part 11 of Los Angeles County Code Section 22.52.1150.B.** In addition, guest parking spaces shall be provided at the ratio of one standard size automobile parking space for each four mobilehome sites.

**DRAFT FINDINGS OF THE HEARING OFFICER  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. 2016-000334-(4)  
CONDITIONAL USE PERMIT NO. RPPL 2016002104  
MINOR PARKING DEVIATION PERMIT NO. RPPL 2016004305**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on November 15, 2016, in the matter of Project No. 2016-000334-(4), consisting of Conditional Use Permit No. RPPL 2016002104 ("CUP") and Minor Parking Deviation No. RPPL 2016004305 ("Minor Parking Deviation"). The Hearing Officer previously conducted a public hearing on the CUP on October 4, 2016.
2. The permittee, Rowland Heights Mobile Estates ("permittee"), requests the CUP and Minor Parking Deviation to authorize the continued operation of a 327 space mobilehome park with less than the required guest parking spaces ("Project") on a property located at 1441 Paso Real Avenue in the unincorporated community of Rowland Heights ("Project Site") in the R-3-12U (Limited Density Multiple Residence Zone – Maximum Density Of 12 Du / Ac) and C-3-BE (General Commercial – Billboard Exclusion) zones pursuant to Los Angeles County Code ("County Code") sections 22.20.290 and 22.28.210.
3. The CUP is a request to authorize the continued operation of a 327 space mobilehome park in the R-3-12U and C-3-BE zones pursuant to Los Angeles County Code ("County Code") sections 22.20.290 and 22.28.210.
4. The Minor Parking Deviation is a request to authorize the provision of less than the required 82 guest parking spaces at the site.
5. The Project Site is 35.9 gross acres in size and consists of one legal lot. The Project Site is mostly rectangular in shape with a relatively flat topography and is developed with a 327 mobilehome park with appurtenant facilities.
6. The Project Site is located in the Puente Zoned District and is currently zoned R-3-12U in most of its lot area, with a portion on the northeast zoned C-3-BE.
7. The Project Site is located within the Urban 3 (U3) land use category of the Rowland Heights Community Plan Land Use Policy Map.
8. Surrounding Zoning within a 500-foot radius includes:
  - North: M-1.5-BE (Restricted Heavy Manufacturing – Billboard Exclusion)
  - South: CPD (Commercial Planned Development), C-2-BE (Neighborhood Business – Billboard Exclusion), C-1 (Restricted Business), A-1-6000 (Light Agricultural with a minimum required area of 6,000 square feet)
  - East: C-3-BE (General Commercial – Billboard Exclusion)
  - West: R-1 (Single-family Residence)



9. Surrounding land uses within a 500-foot radius include:

North: CA-60, various commercial and office uses  
South: Various commercial uses, single-family residences, vacant  
East: Various commercial uses, golf driving range  
West: Single-family residences

10. Ordinance 1494 was adopted in May 21, 1927, which established the different zoning designations for the unincorporated areas of Los Angeles County.

Ordinance No. 5122 was adopted by the Board of Supervisors on May 25, 1948, which established the A-1-10000 zoning on the subject property.

Ordinance No. 8841 was adopted by the Board of Supervisors on May 11, 1965, which established the C-3 zoning on the easternmost portion of the subject property.

Zone Exception Case No. 9276-(1) was approved on November 13, 1969, which authorized the development of a 188 space mobilehome ("MH") park with appurtenant facilities at the subject site.

Zone Exception Case No. 9435-(1) was approved on March 31, 1970, which authorized an expansion of the MH park to 234 spaces.

Zone Exception Case No. 9580-(1) was approved on September 8, 1970, which authorized a 2 space expansion of the MH park, increasing it to 236 spaces.

Ordinance No. 10607 was adopted by the Board of Supervisors on November 8, 1972, which established the R-3-12U on the main portion of the subject property.

Conditional Use Permit 172 was approved on November 8, 1972, which authorized a 99 space expansion of the MH park of which only 91 spaces was actually added. This permit expired on October 24, 1997 and is being renewed by this application. This approval also included Variance 101, which authorized less than a 15 foot front yard for the project.

Ordinance No. 12143 was adopted by the Board of Supervisors on April 24, 1980, which established the -BE addendum on the C-3 portion of the subject property.

Code Case No. 15-0002040 was opened on April 14, 2015 for the operation of the MH park with no current and valid Conditional Use Permit.

This CUP application, RPPL2016002104, was filed on May 5, 2016.

The Minor Parking Deviation No. RPPL 2016004305 was filed on October 5, 2016.

11. The site plan for the Project depicts a 35.9 ac, rectangular-shaped lot with vehicular access from Paso Real Avenue to the south. The MH park encompasses the entire property, including 327 MH spaces, a clubhouse at the center and a storage area in the

front (south). In addition to two resident parking spaces per MH space, the site plans also indicates 70 guest parking spaces distributed throughout the property.

12. The Project Site is accessible via Paso Real Avenue to the south. Primary access to the Project Site will be via an entrance/exit on Paso Real Avenue.
13. The Project will provide a total of 654 resident parking spaces, or two tandem spaces for each mobilehome space, as well as 70 guest parking spaces distributed throughout the site.
14. On July 19, 2016, the Los Angeles County Fire Department (LACFD) sent an email indicating that a number of fire hydrants need to be verified and flow tested. The applicant worked with LACFD to address their concerns and LACFD subsequently sent an email to staff on August 5, 2016 indicating their clearance for the project to proceed with the public hearing, with some conditions. These conditions will be incorporated into the Conditions of Approval of this permit.
15. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continued operation of an existing mobilehome park, with only very minor changes to what is currently existing.
16. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
17. A number of correspondences and phone calls have been received from the public indicating concern over the project. The concerns raised include:
  - a. Overcrowding of the park as excessive rents have forced elderly residents to sublet their homes.
  - b. Excessive rent affects the renewal of the CUP according to LA County Ordinance 22.52.500 L.
  - c. There is only one access point to and from the mobilehome park.
  - d. There is a lack of guest parking spaces in the mobilehome park.
  - e. There is a lack of modern internet service in the mobilehome park.
  - f. Lack of notification of MH owners regarding the zoning or use permit under which the MH park operates,
  - g. Solar panels were installed in three separate locations in the mobilehome park without permits.
  - h. There are adverse impacts on the mobilehome park residents from a neighboring garage structure located on the northeastern side of the park.
  - i. There are violations of Health and Safety Code Section 18500-18518.

Many of these concerns are government by the Mobilehome Residency Law ("MRL") and the Mobilehome Park Act ("MPA"). The County has no jurisdiction over these laws. The only issues listed above that the County currently has jurisdiction over are access and parking. In terms of access, the subject mobilehome park has been legally non-conforming to the County's development standards, while the issue of parking is addressed by this permit with the requirement to provide at least 70 guest parking spaces at the site.

18. On October 4, 2016, the Hearing Officer heard a presentation from staff and opened the public hearing. Two representatives from the applicant were present, while 13 members of the public testified, mostly expressing a number of concerns about the subject mobilehome park. Staff noted the concerns and indicated that they will be addressed at the next hearing. Staff also indicated the need for a Minor Parking Deviation application, since the mobilehome park did not have the required number of guest parking spaces. The Hearing Officer also requested staff to inquire with the Los Angeles County Community and Senior Services to see if some of the concerns raised can be referred to them. The Hearing Officer also requested staff to add a condition to the permit requiring that the mobilehome park management meet with the residents every quarter. Finally, as recommended by staff, the Hearing Officer continued the public hearing to November 15, 2016 to allow the applicant to submit the required Minor Parking Deviation.

*Additional information to be inserted after the public hearing to reflect additional hearing proceedings.*

19. The Hearing Officer finds that the continued operation of the mobilehome park at the subject site is consistent with the Urban 3 (U3) land use designation of the Rowland Heights Community Plan.

This designation is intended for low and medium density residential developments, from 6.1 to 12 dwelling units per gross acre, including small lot single family residences, duplexes, triplexes, townhouses and condominiums. The existing mobilehome park at the 35.9 ac site is consistent with this designation.

20. The Hearing Officer finds that the continued operation of the mobilehome park at the subject site is consistent with the requirements and development standards of the R-3 and C-3 zones and the Rowland Heights Community Standards District (CSD).

Section 22.20.300 requires that no building or structure shall exceed 35 in height. The whole development consist of single story structures, which are well below the maximum height.

Section 22.20.320 sets out the minimum required yards for the site. The mobilehome units are setback at least 5 feet from the side property line. The rear portion of the mobilehome park was developed in 1969 when the zone was still A-1 and before yard requirements were established for that zone. Finally, the project was also granted a variance to allow less than the required 15 foot front yard.

Section 22.52.1150 requires that every mobilehome site shall have two standard parking spaces and that guest parking spaces shall be provided at a ratio of one for each four MH sites.

The Site Plan submitted by the applicant indicates that each MH space has two parking spaces, in compliance with this requirement. However, it also indicates less than the 82 parking spaces that is required for 327 MH spaces. The approval of the associated Minor Parking Deviation will authorize this shortfall of guest parking spaces.

21. The Hearing Officer finds that the Conditional Use Permit Burden of Proof requirements have been met pursuant to section 22.56.040 of the County Code.

A mobilehome park has existed at the site for almost 50 years, with the last expansion occurring in 1972. No additions or intensifications to the use are proposed as part of this project. The mobilehome park has convenient access to a major commercial corridor and serves the local community. Therefore, the continuation of the existing mobilehome park will not adversely affect the health, peace, comfort or welfare of persons residing or working in the area outside the mobilehome park, or endanger or otherwise constitute a menace to the public health, safety or general welfare.

22. The Hearing Officer finds that the Minor Parking Deviation Burden of Proof requirements have been met pursuant to section 22.56.1762 of the County Code.

A review of records indicate that the mobilehome park had been operating well with 12 less than the required number of guest parking spaces since 1971. There are no records of any complaints or violations regarding this lack of parking spaces since that time. The shortfall of 12 parking spaces is 14.6% of the total required number of 82 parking spaces required, which is within the maximum 30% allowed by the zoning code for Minor Parking Deviations.

23. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 30 years.

24. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Rowland Heights Library, 18500 Fajardo St., Rowland Heights, CA 91748. On October 12, 2016, a total of 214 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 11 notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

25. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials

shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. The use with the attached conditions will be consistent with the adopted General Plan and Rowland Heights Community Plan.
- B. The use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The project site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The project site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The use is in compliance with all applicable provisions of Title 22.
- F. The use, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, provide for the safety and convenience of bicyclists and pedestrians, including children, senior citizens, and persons with disabilities, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice.
- G. The use is suitable from the standpoint of functional developmental design.

**THEREFORE, THE HEARING OFFICER:**

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves Conditional Use Permit No. RPPL 2016002104 and Minor Parking Deviation RPPL 2016004305, subject to the attached conditions.

**ACTION DATE: November 15, 2016**

MM:CN (10/26/2016)

c: Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. 2016-000334-(4)  
CONDITIONAL USE PERMIT NO. RPPL 2016002104  
MINOR PARKING DEVIATION PERMIT NO. RPPL 2016004305**

**PROJECT DESCRIPTION**

The project is a Conditional Use Permit for the continued operation of a 327 space mobilehome park and a Minor Parking Deviation to allow less than the required guest parking spaces subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but



not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on November 15, 2046.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit and Minor Parking Deviation application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the mobilehome park and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these

conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$4,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10) annual inspections for the first 10 years and ten (10) biennial (one every other year) inspections for the subsequent 20 years.** Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
12. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies of a modified Exhibit "A"** shall be submitted to Regional Planning by **January 15, 2017**.
13. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### **PERMIT SPECIFIC CONDITIONS – MINOR PARKING DEVIATION**

14. This grant shall authorize the provision of 12 less than the required guest parking spaces for the subject 327-space mobilehome park. The mobilehome park shall provide a minimum of 70 guest parking space, instead of the required 82 spaces.
15. All guest parking spaces shall be clearly marked as such and shall be continuously be made available to guests of mobilehome residents.

#### **PROJECT SITE SPECIFIC CONDITIONS**

16. This grant shall authorize the continued operation of a 327 space mobilehome park at the subject site.

17. All development pursuant to this grant shall conform with the requirements of the California Department of Housing and Community Development (HCD). The permittee shall obtain all the necessary permits for new and existing structures in the mobilehome park as required by HCD. The permittee shall provide a copy of these permits to the Department of Regional Planning upon request.
18. In addition to the requirements stipulated in Civil Code Section 798.53 of the Mobilehome Residency Law, the permittee may voluntarily hold regular quarterly meetings on-site with the mobilehome residents.
19. All rental agreements shall have, in bold print not less than one-half inch high, the following statements:

There is no rent control for mobilehome parks in Los Angeles County. Potential residents may wish to secure long-term leases for their own protection.

The Department of Regional Planning shall be provided with a sample copy of the rental agreement upon request.
20. The permittee shall comply with all conditions set forth in the attached County Fire Department Letter dated August 5, 2016.

Attachments:

Fire Department Letter



**COUNTY OF LOS ANGELES FIRE DEPARTMENT  
FIRE PREVENTION DIVISION**

Land Development Unit  
5823 Rickenbacker Road  
Commerce, CA 90040  
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: RPPL 2016002104  
2016-000334

MAP DATE: 06-30-2016

LOCATION: 1441 Paseo Real Avenue, Rowland Heights

PLANNER: Carl Nadela

---

**THE FIRE DEPARTMENT RECOMMENDS CLEARANCE OF THIS PROJECT TO  
PROCEED TO PUBLIC HEARING AS PRESENTLY SUBMITTED WITH THE  
FOLLOWING CONDITIONS OF APPROVAL.**

**CONDITIONS OF APPROVAL – ACCESS**

1. Maintain access as noted on the site plan.

**CONDITIONS OF APPROVAL – WATER STSTEM**

1. The required fire flow for the public fire hydrants for this project is 1250 gpm at 20 psi residual pressure for 2 hours. One (1) public fire hydrant flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1
  - a. The public fire hydrant fire flow is adequate for this project.

For any questions regarding the report, please contact FPEA Wally Collins at (323) 890-4243 or at [Wally.Collins@fire.lacounty.gov](mailto:Wally.Collins@fire.lacounty.gov).